UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

WEB TELEPHONY, LLC., an Illinois corporation, Plaintiff, vs. Verizon Communications, Inc., a Delaware corporation, AT&T Corp., a New York corporation, AT&T Inc., a Delaware corporation, EarthLink, Inc., a Delaware corporation, SunRocket Corp., a Delaware corporation, Vonage Holdings Corp., a Delaware corporation, and Vonage America, Inc., a Delaware corporation, Defendants.	CASE NO. 2:07-CV-85 (DF) **JURY DEMANDED**

PLAINTIFF AND COUNTERDEFENDANT WEB TELEPHONY, LLC'S REPLY TO COUNTERCLAIMS OF AT&T CORP.

Plaintiff and Counterdefendant, Web Telephony, LLC ("Web Telephony") hereby answers the counterclaims of Defendant AT&T Corp. ("AT&T"). The paragraphs in this reply are numbered to correspond with the paragraph numbers in Vonage's counterclaims; accordingly, the first numbered paragraph is number 1. All of the allegations of the counterclaims not specifically admitted herein are specifically denied.

Answer to Counterclaims

Parties

1. Upon information and belief, Web Telephony admits the allegations contained in paragraph 1 of AT&T's counterclaims.

AUS:3925451.1
55223.1

Dockets.Justia.com

2. Web Telephony admits the allegations contained in paragraph 2 of AT&T's counterclaims.

Jurisdiction and Venue

3. Web Telephony admits the allegations contained in paragraph 3 of AT&T's counterclaims.

4. Web Telephony admits the allegations contained in paragraph 4 of AT&T's counterclaims.

5. Web Telephony admits the allegations contained in paragraph 5 of AT&T's counterclaims.

Facts

6. Web Telephony admits the allegations contained in paragraph 6 of AT&T's counterclaims.

7. Web Telephony admits the allegations contained in paragraph 7 of AT&T's counterclaims.

8. Web Telephony admits the allegations contained in paragraph 8 of AT&T's counterclaims.

Count I:

Non-Infringement of the '694 Patent

9. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 8 of AT&T's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 9.

10. Web Telephony denies the allegations contained in paragraph 10 of AT&T's counterclaims.

11. Web Telephony denies the allegations contained in paragraph 11 of AT&T's counterclaims.

COUNT II:
Invalidity of the '694 Patent

12. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 8 of AT&T's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 12.

13. Web Telephony denies the allegations contained in paragraph 13 of AT&T's counterclaims.

14. Web Telephony denies the allegations contained in paragraph 14 of AT&T's counterclaims.

COUNT III:

Non-infringement of the '266 Patent

15. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 8 of AT&T's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 15.

16. Web Telephony denies the allegations contained in paragraph 16 of AT&T's counterclaims.

17. Web Telephony denies the allegations contained in paragraph 17 of AT&T's counterclaims.

COUNT IV:
Invalidity of the '266 Patent

18. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 8 of AT&T's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 18.

19. Web Telephony denies the allegations contained in paragraph 19 of AT&T's counterclaims.

20. Web Telephony denies the allegations contained in paragraph 20 of AT&T's counterclaims.

COUNT V:

Unenforceability of the '694 and '266 Patents

21. Web Telephony incorporates by references its response to the allegations of paragraphs 1 through 8 of AT&T's Counterclaims. Except as expressly admitted, Web Telephony denies each of the allegations of paragraph 21.

22. Web Telephony denies the allegations contained in paragraph 22 of AT&T's counterclaims.

23. Web Telephony denies the allegations contained in paragraph 23 of AT&T's counterclaims.

JURY DEMAND

Plaintiff and Counterdefendant Web Telephony demands trial by jury of all issues.

PRAYER FOR RELIEF

Web Telephony denies that AT&T is entitled to the relief it seeks or any relief for the allegations made in its counterclaims.

Dated: May 29, 2007

Respectfully submitted,

By: /s/ Elizabeth L. DeRieux

S. Calvin Capshaw
State Bar No. 03783900
Email: ccapshaw@mailbmc.com
Elizabeth L. DeRieux
State Bar No. 05770585
Email: ederieux@mailbmc.com
Brown McCarroll, L.L.P.
1127 Judson Road, Suite 220
Longview, TX 75601
Telephone: (903) 236-9800
Facsimile: (903) 236-8787

Robert Christopher Bunt
State Bar No. 00787165
Email: rcbunt@pbatyler.com
Robert M Parker
State Bar No. 15498000
Email: rmparker@pbatyler.com
Parker, Bunt, & Ainsworth, P.C.
100 East Ferguson, Ste. 1114
Tyler, TX 75702
Telephone: 903/531-3535
Facsimile: 903/533-9687

Of Counsel:

Gregory S. Dovel
State Bar No. 135387
Sean A. Luner
State Bar No. 165443
Dovel & Luner, LLP
201 Santa Monica Blvd., Suite 600
Santa Monica, CA 90401
Telephone: 310-656-7066
Facsimile: 310-657-7069
Email: greg@dovellaw.com

ATTORNEYS FOR PLAINTIFF,
WEB TELEPHONY, LLC.

CERTIFICATE OF SERVICE

I hereby certify that counsel of record who are deemed to have consented to electronic service are being served this 29th day of May, 2007, with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3). Any other counsel of record will be served by electronic mail, facsimile transmission and/or first class mail on this same date.

/s/Elizabeth L. DeRieux
Elizabeth L. DeRieux